

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



COMMITTEES:
COMMERCE
ENERGY AND TECHNOLOGY
TRANSPORTATION

68TH DISTRICT
STATE REPRESENTATIVE
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June 15, 2005

Representative Mike Nofs, Chair
Members of Energy & Technology Committee
Anderson House Office Building
Room 519

RE: **Senate Bill 522**

Dear Chairman Nofs and Honorable Members of the Committee,

Please know that I am strongly opposed to Senate Bill 522, not only as the legislator elected to represent the residents of the Lansing area, but also as an elected official who takes seriously my responsibility to all the people of Michigan regarding the development of sound public policy.

Senate Bill 522 is both bad public policy and a legally flawed piece of legislation. It would change language that currently serves an important purpose in protecting public health and safety. Local units of government have the primary responsibility to protect the public health and public safety of their communities, including their public water supplies. Michigan law widely recognizes the responsibility and authority of local governments regarding their community's public health and safety, and the current law regarding the use of right-of-way appropriately serves to balance the responsibility of the state regarding energy accessibility and rates.

Furthermore, the bill violates Article 7, Section 29 of the Michigan Constitution, which states that "*No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village.*"

I echo the concerns raised by the local elected officials, as well as by the Michigan Municipal League, Michigan Townships Association, and Michigan Association of Counties, and urge you to please join us in opposing Senate Bill 522.

Sincerely,

Rep. Michael C. Murphy

Rep. Michael C. Murphy
House District 68